

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of	)	
	)	
Improving International Comparisons	)	
Required by the Broadband Data	)	IB Docket No. 10-171
Improvement Act	)	
	)	

**COMMENTS OF FREE PRESS**

Free Press submits these comments in response to the Commission’s request for suggestions on improving the implementation of the international comparison requirements in the Broadband Data Improvement Act (BDIA).<sup>1</sup> The Public Notice asks “[w]hat improvements can be made to the data and analysis used in the 2010 IBDR [International Broadband Data Report] to make next year’s IBDR more useful, particularly for policymakers?”<sup>2</sup> Congress offered specific instructions as to the type of information it would like to see collected.<sup>3</sup> However, the Commission has been left to determine the specific methods used to provide such information to Congress. The plain truth is that despite the intentions of Congress, the Commission has been given an unfunded mandate that imposes significant financial and staffing burdens in order to correctly complete. Few, if any, examples exist for the type of comprehensive, detailed and annual international analysis requested of the Commission.

The Commission’s best opportunity to accomplish the task laid forth my Congress is to continue and expand upon its work with overseas regulatory bodies. The Commission will need to develop active relationships with these regulatory bodies and ultimately, convince them that

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<sup>1</sup> Broadband Data Improvement Act of 2008, Pub. L. No. 110-385, 122 Stat. 4097.

<sup>2</sup> Public Notice, *Comment Sought on Improving International Comparisons Required By The Broadband Data Improvement Act*, IB Docket No. 10-171, DA 10-1609, p. 2 (Aug. 27, 2010).

<sup>3</sup> BDIA § 103(b)(3); 47 U.S.C. § 1303(b)(3).

such data has utility for all the countries participating. The dataset required to comply with the Congressional directive includes a myriad of categories. Many of these are not readily available on a local level, even for the countries with the most developed broadband data regimes. We encourage the Commission to adopt the following strategy to foster the creation of this information.

### **1. Pinpoint Communities**

The first step is to identify the “total of 75 communities in at least 25 countries abroad” that adhere to the various metrics outlined in section 103(b)(2).<sup>4</sup> The Commission should choose countries with which they have existing relationships and whom maintain detailed data on the various components of broadband access in their respective countries. Nonetheless, these characteristics should be balanced with the need to guard against a bias sampling of communities. Furthermore, the effort involved in subsequently collecting the required information means that the Commission should take great care at the outset to make wise selections. In general, the Commission should seek to partner with a diverse set of countries that will allow for a variety of variables to be included.

### **2. Identify Available Information**

The Commission should next work with the appropriate regulatory body to identify the information that is currently available for the communities in question. In general, we recommend the Commission attempt to build relationships with overseas entities and put in place procedures that will lessen the burden. The Commission should consider third party data but strive for data collected directly by the regulatory body. Even for this information, numerous challenges will exist. This will include variations in collection dates, granularity levels and

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<sup>4</sup> BDIA § 103(b)(2); 47 U.S.C. § 1303(b)(2).

verification methods, along with the numerous considerations that come with fielding a representative survey. Perhaps the best way to begin this daunting task is to understand the different regulatory frameworks that exist for broadband in the communities selected.

### **3. Collect Missing information**

Information that is not currently available represents an even greater challenge. The Commission will need to review each country, if not community, to determine the necessary information that is not currently available. The Commission should then work with the overseas body to determine the best means to collect that information. Given the critical need for consistent collection going forward, the Commission should be wary of relying on private firms that will result in recurring costs and may not be transparent about methodology. Before this work occurs, the Commission should act to collect this information for the U.S. communities being included. As an initial matter, overseas bodies are far less likely to take the Commission seriously if they have yet to go about collecting this information themselves. Furthermore, this will offer the Commission insights that can be offered to their overseas counterparts in generating this information for foreign communities. We suggest the Commission develop a comprehensive profile for the U.S. communities chosen.<sup>5</sup> This will offer overseas regulators an idea of the information necessary to generate a complete comparison.

### **4. Close Collaboration**

Given the need for annual assessment, the Commission should continually work with overseas entities to improve the data being provided for comparative purposes. With widespread

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<sup>5</sup> The Commission will need to assess the number of competitors in each community (*See* BDIA § 103(b)(3)). To date, the Commission has mischaracterized the level of local competition by counting providers that do not offer service to residential customers. (*See e.g.* Letter from Ben Scott *et al.*, Free Press, to Marlene H. Dortch, Secretary, FCC, GN Docket Nos. 09-137, 09-51, 09-191, WC Docket Nos. 07-52, 07-38, pp. 5-6 (Feb. 22, 2010)). The Commission should correct this inaccuracy in future assessments.

cooperation, the Commission could significantly reduce the burden placed upon it by Congress. Furthermore, a comprehensive report that truly provides the comparisons sought by Congress would be an invaluable asset. All the countries involved would gain insight into what has worked in other countries, especially for those communities that are near equivalents to their own. The Commission should also consider publishing the report in numerous languages and providing it to the countries participating in the effort.

Ultimately this has the potential to be an extremely insightful report for the entire global broadband community. However, the Commission will limit the utility of this report if they fail to offer side-by-side comparison. Congress required the Commission to create an “International Comparison.”<sup>6</sup> Thus, the report should actually compare the information collected. By doing so, the Commission will create a useful resource for broadband efforts occurring across the globe.

Respectfully Submitted,

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<sup>6</sup> BDIA § 103(b); 47 U.S.C. § 1303(b).